UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MDG INTERNATIONAL, INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	1:07-cv-1096- SEB-TAB
	)	
AUSTRALIAN GOLD, INC.,	)	
	)	
Defendant.	)	

ORDER SETTING INITIAL PRETRIAL CONFERENCE

This case is assigned for an initial pretrial conference before United States Magistrate Judge Tim A. Baker on **November 20, 2007 at 1:30 p.m.** in Room 234, Birch Bayh Federal Building and United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana. The parties are ordered to confer prior to the initial pretrial conference and prepare a proposed Case Management Plan ("CMP"). The CMP shall be in the format set forth in the model CMP found on the Court's website (www.insd.uscourts.gov), shall comply with S.D.Ind.L.R. 16.1(d), and shall address discovery issues as required by Fed. R. Civ. P. 26(f). **The parties shall file the CMP no less than three days prior to the pretrial conference. Filing of the plan will not automatically vacate the pretrial conference. The conference will remain set unless specifically vacated by the Court, which is unlikely.**

Represented parties shall attend the initial pretrial conference by counsel. Counsel shall appear in person unless they obtain leave to appear at the pretrial conference by telephone. Leave to appear by telephone will be freely granted to counsel outside the Indianapolis Division; such counsel may request to participate by telephone by calling the undersigned's staff at 317-

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229-3660. Counsel within the Indianapolis Division are expected to appear in person. The parties themselves may attend at their option.

Counsel who attend the conference must have their appearance on file, and must be familiar with and prepared to discuss the facts and legal issues in the case, as well as the scope of damages. Counsel should expect to be asked specific questions concerning the case, and should be prepared to set forth all known facts that support any issue, claim, or defense, including any claim for or defense to damages.

Pursuant to S.D.Ind.L.R. 16.1(h), counsel should also be prepared to fully discuss settlement at the initial pretrial conference (as well as any subsequent conference). Plaintiff's counsel shall appear at the pretrial conference prepared to make a settlement demand if no demand has yet been made. Defendant's counsel shall appear at the pretrial conference prepared to make an offer to any outstanding demand. If no demand has been made, Defendant's counsel shall be prepared to discuss the general parameters of relief responsive to any demand made at the pretrial conference.

The Court encourages counsel to agree on a numbering system for exhibits in discovery that will assign a unique number to each exhibit, so that the same exhibit number can be used at all depositions and at trial. If the parties anticipate seeking a protective order to protect the confidentiality of trade secrets or other confidential information, they shall carefully review the Seventh Circuit's decisions in Baxter International v. Abbott Laboratories, 297 F.3d 544 (7^{th} Cir. 2002), Union Oil Company of California v. Leavell, 220 F.3d 562 (7^{th} Cir. 2000), Citizens First National Bank of Princeton v. Cincinnati Insurance Co., 178 F.3d 943 (7^{th} Cir. 1999), and related cases. Failure to conform any proposed protective order to the limitations and requirements of these decisions may result in the Court denying the proposed order.

Pursuant to Local Rule 5.6, all documents filed in this matter shall be filed electronically, unless expressly exempted by local rule or an Order of the Court. (Pro se litigants may not file documents electronically.) Accordingly, counsel shall register with the Clerk's office for electronic filing. Counsel need only register one time in the Southern District; it is not necessary to register in every case in which counsel is involved. Information on electronic filing can be found by visiting the Court's website and going to the page entitled *Electronic Case Filing*. For assistance or training in the use of electronic filing, please contact Wendy Carpentier at wendy_carpentier@insd.uscourts.gov or (317) 229-3718.

Electronic filing allows public access to case information. For this reason, parties must refrain from including personal identifying information such as social security numbers, names of minor children, dates of birth and financial account numbers. Any such information that can not be eliminated from a filing must be redacted. Please refer to L.R. 5.2 for more information.

Counsel and parties carrying cell phones and PDAs with photo abilities should be allowed to bring these devices to chambers to facilitate any necessary scheduling. Please bring this order with you to present at the security checkpoint, if necessary.

SO ORDERED: November 2, 2007

s/ Tim A. Baker

Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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